

## **CITY OF HOLLISTER CITY COUNCIL**

### **Minutes of Regular Meeting**

March 21, 2005

#### **CALL TO ORDER:**

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on March 21, 2005, at 6:03 p.m. in the City Council Chambers at City Hall.

#### **ROLL CALL:** Roll was answered as follows:

**PRESENT:** Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

**ABSENT:** None.

**STAFF PRESENT:** Police Chief Jeff Miller, Interim Public Works Director Steve Wittry, Airport Manager Bill Gere, Fire Chief Bill Garringer, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, and Interim Development Services Director Bill Avera.

#### **VERIFICATION OF AGENDA POSTING:**

The Agenda for the City Council of the City of Hollister meeting of March 21, 2005, was posted on the bulletin board at City Hall on March 18, 2005, at 11:40 a.m. per Government Code Section 54954.2.

#### **STUDY SESSION:**

The City Council discussed items A2, C2, C3, D3, D4, D5, and D6.

The City Council recessed at 6:38 p.m.

The City Council reconvened at 6:52 p.m. All Members present per Roll Call.

**CLOSED SESSION AGENDA:**

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
  - a. RWQCB - Cease and Desist Order No. R3-2002-0105
  - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
  - c. Nicholson v. Hollister, Case Number CU-04-00063
  - d. Borges et al v. Hollister, Case Number CV030139
  - e. City of Hollister v. Albert Rodriguez, et al., Case Number CU-04-00076
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter  
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

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Agency Negotiator: Clint Quilter  
Property Owner: City of Hollister  
Property Address: 155 Skylane Drive  
Under Negotiation: Price and Terms of Payment

6. Threat to Public Services of Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police

Council Member Emerson moved to recess to Closed Session at 6:52 p.m. Motion seconded by Council Member Johnson and carried by a unanimous vote.

The City Council reconvened at 7:37 p.m.

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was answered as follows:

**PRESENT:** Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

**ABSENT:** None.

## **VERIFICATION OF AGENDA POSTING:**

The Agenda for the City Council of the City of Hollister meeting of March 21, 2005, was posted on the bulletin board at City Hall on March 18, 2005, at 11:40 a.m. per Government Code Section 54954.2.

## **PROCLAMATION:**

Mayor Valdivia proclaimed the City of Hollister to be a "Colon Cancer Eradication Zone". Council Member Emerson read the proclamation and presented it to Melissa Wood with Exact Sciences. Ms. Wood explained that by working with Hazel Hawkins Hospital, Pacific Health Alliance, The Gard Foundation, and the Strides for Life Foundation, they hope to eradicate colorectal cancer in San Benito County. The process here will be used in other communities to help in the fight against the most curable cancer.

## **CLOSED SESSION:**

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session:

1. Threat to Public Services or Facilities pursuant to Government Code Section 54967:

Consultation with City of Hollister Chief of Police

**A. CONSENT RESOLUTION (March 7, 2005):**

1. Minutes of Regular Meeting of March 7, 2005.
  - (a) Approved the Minutes of the Regular Meeting of March 7, 2005, as submitted.
2. Warrant Registers.
  - (a) Received transmittals, Warrant Register, from Administrative Services Director Galvan.
  - (b) Ratified and approved the Warrant Registers:
    - dated March 2, 2005, in the amount of \$337,464.24
    - dated March 9, 2005, in the amount of \$305,104.97

Council Member Emerson moved to adopt the Consent Resolution (March 21, 2005) as stated above. Motion seconded by Council Member Scattini and carried by a unanimous vote.

**B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:**

1. Public Input.
  - (a) Jennifer Coile, Hollister, CA expressed her concern about the Hollister School District cutting so many vice-principals at Rancho San Justo Middle School. She believes that will cause more problems for the school as well as for the City of Hollister, especially our Police Department.

**C. PUBLIC HEARINGS: (on or about 7:00 P.M.)**

1. Resolution No. 2005-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DECLARING THE CONDITION OF CERTAIN

PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING  
THE ABATEMENT OF WEEDS THEREON, AND NOTICING A HEARING  
FOR THE RECEIPT OF OBJECTIONS TO THE PROPOSED ABATEMENT.

- (a) Received transmittal dated March 10, 2005, A Resolution of the City Council of the City of Hollister Declaring the Condition of Certain Properties to Constitute a Public Nuisance and Ordering the Abatement of Weeds Thereon, and Noticing a Hearing for the Receipt of Objections to the Proposed Abatement, from Fire Chief Garringer.
  - (b) This being the time and place as noticed, the Public Hearing was opened at 7:55 p.m.
  - (c) There being no speakers for or against the matter, the Public Hearing was closed at 7:55 p.m.
  - (d) Council Member Pike moved to adopt Resolution No. 2005-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DECLARING THE CONDITION OF CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF WEEDS THEREON, AND NOTICING A HEARING FOR THE RECEIPT OF OBJECTIONS TO THE PROPOSED ABATEMENT. Motion seconded by Council Member Emerson and carried by a unanimous vote.
2. Minor Subdivision #2003-2 (JaMann Subdivision).
- (a) This being the time and place as advertised, the Public Hearing was opened at 7:56 p.m. and continued to the City Council meeting of April 4, 2005, by motion of Council Member Scattini. Motion seconded by Council Member Emerson and carried by a unanimous vote.
3. Resolution No. 2005-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN CONNECTION WITH ADOPTION OF THE GROUNDWATER MANAGEMENT PLAN UPDATE FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-HOLLISTER GROUNDWATER BASIN.
- (a) Received transmittal dated March 11, 2005, Final Program Environmental Impact Report (FPEIR) for the Groundwater Management Plan for the San Benito County Portion of the Gilroy-Hollister Groundwater Basin, from Planning Manager Heiser.
  - (b) Received oral report from City Manager Quilter.
  - (c) This being the time and place as advertised, the Public Hearing was

opened at 8:08 p.m.

- (d) There being no speakers for or against the matter, the Public Hearing was closed at 8:08 p.m.
- (e) Council Member Emerson moved to adopt Resolution No. 2005-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN CONNECTION WITH ADOPTION OF THE GROUNDWATER MANAGEMENT PLAN UPDATE FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-HOLLISTER GROUNDWATER BASIN. Motion seconded by Council Member Johnson and carried by a unanimous vote.

**D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**

1. Resolution No. 2005-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE JULY 2005 MOTORCYCLE RALLY.
  - (a) Received transmittal dated March 2, 2005, Consider Resolution approving temporary street closure for the July 2005 Motorcycle Rally sponsored by the Hollister Independence Rally Committee, from Assistant Engineer Atteberry.
  - (b) Council Member Scattini moved to adopt Resolution No. 2005-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE JULY 2005 MOTORCYCLE RALLY. Motion seconded by Council Member Emerson and carried by a unanimous vote.
2. Resolution No. 2005-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE SAN BENITO HIGH SCHOOL BAND REVIEW.
  - (a) Received transmittal dated March 11, 2005, Resolution approving temporary street closures for the annual San Benito High School Band Review, from City Clerk Johnson.
  - (b) Council Member Pike moved to adopt Resolution No. 2005-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE SAN BENITO HIGH SCHOOL BAND REVIEW. Motion seconded by Council Member Scattini and carried by a unanimous vote.
3. Resolution No. 2005-44, A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HOLLISTER ACCEPTING PROPOSALS AND APPROVING A CONTRACT FOR THE ENHANCED VAPOR RECOVERY (EVR) MODIFICATIONS TO THE PHASE I VAPOR RECOVERY SYSTEM FOR THE FUELING TANKS LOCATED AT THE HOLLISTER MUNICIPAL AIRPORT.

- (a) Received transmittal dated March 11, 2005, A Resolution of the City Council of the City of Hollister Accepting Proposals and Approving a Contract for the Enhanced Vapor Recovery (EVR) modifications to the Phase I Vapor Recovery System for the Fueling Station located at the Hollister Municipal Airport from Airport Manager Gere.
  - (b) Council Member Emerson moved to adopt Resolution No. 2005-44, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ACCEPTING PROPOSALS AND APPROVING A CONTRACT FOR THE ENHANCED VAPOR RECOVERY (EVR) MODIFICATIONS TO THE PHASE I VAPOR RECOVERY SYSTEM FOR THE FUELING TANKS LOCATED AT THE HOLLISTER MUNICIPAL AIRPORT. Motion seconded by Council Member Scattini and carried by a unanimous vote.
4. Resolution No. 2005-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE ENGINEERING DEPARTMENT TO ISSUE AN ENCROACHMENT PERMIT FOR THE PURPOSE OF REPLACING THE DECORATIVE TERRAZZO IN THE PUBLIC RIGHT-OF-WAY AT 701 SAN BENITO STREET.
- (a) Received transmittal dated March 11, 2005, Encroachment Permit for Terrazzo, from Interim Development Services Director Avera.
  - (b) Sharlene Van Rooy, Hollister, CA thanked the City Council for saving the Terrazzo from destruction as it is truly a part of Hollister and very unique. It was in the sidewalk in front of the old State Theater.
  - (c) Council Member Scattini moved to adopt Resolution No. 2005-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE ENGINEERING DEPARTMENT TO ISSUE AN ENCROACHMENT PERMIT FOR THE PURPOSE OF REPLACING THE DECORATIVE TERRAZZO IN THE PUBLIC RIGHT-OF-WAY AT 701 SAN BENITO STREET. Motion seconded by Council Member Emerson and carried by a unanimous vote.
  - (d) Council Members Scattini and Pike thanked Sharlene Van Rooy, David Huboi, and Gordon Machado for their efforts to save the historic Terrazzo.
5. Authorization to Hire Two Temporary Animal Control Workers.

- (a) Received transmittal dated March 14, 2005, Authorization to Hire Two Temporary Animal Control Workers, from Animal Control Supervisor Carreiro.
  - (b) Council Member Scattini moved to authorize the hiring of two (2) temporary Animal Control workers to replace two (2) temporary employees who are departing. Motion seconded by Council Member Pike and carried by a unanimous vote.
- 6. Resolution No. 2005-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ESTABLISHING FEES PURSUANT TO CHAPTER 5.16 (CARDROOMS).
  - (a) Received transmittal dated March 15, 2005, A Resolution of the City Council of the City of Hollister Establishing Fees pursuant to Chapter 5.16 (Cardrooms), from Chief of Police Miller.
  - (b) Council Member Johnson moved to adopt Resolution No. 2005-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ESTABLISHING FEES PURSUANT TO CHAPTER 5.16 (CARDROOMS) but directed staff to bring back the Cardroom Ordinance for City Council review and discussion. Motion seconded by Council Member Scattini and carried by a unanimous vote.

**E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:**

- 1. Reports from City Council, City Manager, City Attorney, and Staff.
  - (a) City Manager Quilter - compiling a list of facilitators; the Economic Development Committee will meet on Wednesday night and will set up a workshop for the City Council; is working on comparison of rates at airports; and the City Council meeting of April 18 is the first meeting to start at the new time of 6:30 p.m.
  - (b) City Attorney Cass - nothing to report.
  - (c) City Clerk Johnson - thanked Mayor Valdivia, Council Member Johnson, and Council Member Emerson for attending the welcome and luncheon for the junior high students visiting from our sister city, Takino Town, Japan.
  - (d) City Council Member Pike, District 1 - thanked officers regarding potential break-ins; thanked the Fire Department for keeping him in tune and happy to report that morale is high; attended the Homeless ad-hoc committee meeting; attended the first information gathering meeting with the Miwok Indians; attended the Board of Education dinner at Ridgemark and the speaker urged parents to get involved with their schools; and attended the Hollister Little League opening



last Friday and thanked all involved.

- (e) City Council Member Emerson, District 4 - also attended the Homeless ad-hoc committee meeting and is very happy that things have come together; there will be a formal board of directors for the Homeless group and they are making good progress; attended the Board of Education - the speaker's comments were directed at the schools but were good for all agencies promoting communication; met with HCD and it was a good meeting with them and the City Manager and City Attorney; and on behalf of Hazel Hawkins Hospital urged everyone to support Measure L by voting yes.
- (f) City Council Member Johnson, District 5 - thanked the Hollister Sister City Association, Ruth Erickson, and Geri Johnson for organizing the sister city student delegation; thanked the LULAC Youth for participating in the sister city student exchange; announced that the Fire Task Force meeting will be held next week; and proud of Hollister Heat, the girls softball teams as they played in the rain last Saturday.
- (g) City Council Member Scattini, District 2 - attended the Monterey Bay Division meeting of the League of California Cities last week in Soledad with Pauline, Brad, and Clint; met with CDF and the Fire Chief and discussed plans for CDF; attended the monthly COG meeting; and attended the Intergovernmental Committee meeting last week.
- (h) Mayor Valdivia, District 3 - thanked the Hollister sister city Association and the host families involved in the sister city student delegation - it was great to see the kids from Takino, Japan; attended the ROTC event; ROTC at San Benito High School is sponsored by the Navy; congratulated Alicia Valdivia for placing second in the 7th grade Science Fair; announced that the next Gang Task Force community meeting will be held on Wednesday, April 6 at 6:30 p.m. at the San Benito High School cafeteria; and Mayor Valdivia received Council consensus to adopt a Resolution in support of Measure L.

2. Receive report regarding water and wastewater issues.

- (a) Received oral report from City Manager Quilter.
- (b) Information only; no City Council action taken.

3. Ratify Mayoral appointments to the Fire Task Force.

- (a) Received oral report from Mayor Valdivia who appointed Tony Bruscia and Bob Connolly to the Fire Task Force.
- (b) Council Member Pike moved to ratify the Mayoral appointments of Tony Bruscia and Bob Connolly to the Fire Task Force. Motion

seconded by Council Member Emerson and carried by a unanimous vote.

4. Review of Hollister Independence Rally Contract.

- (a) Received transmittal dated March 17, 2005, Review of Hollister Independence Rally Contract, from City Manager Quilter.
- (b) Information only; no City Council action taken.
- (c) Council consensus to have a study session regarding the HIRC contract on April 11 at 6:30 p.m.

**F. UNFINISHED BUSINESS:**

- 1. Resolution No. 2005-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR PEACE OFFICERS TO STAFF THE 2005 INDEPENDENCE RALLY.
  - (a) Received transmittal dated March 14, 2005, A Resolution of the City Council of the City of Hollister Authorizing the City Manager to Execute Contracts for Peace Officers to Staff the 2005 Independence Rally, from Chief of Police Miller.
  - (b) Council Member Scattini moved to adopt Resolution No. 2005-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR PEACE OFFICERS TO STAFF THE 2005 INDEPENDENCE RALLY. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 2. Resolution No. 2005-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A LEASE AGREEMENT WITH MARK GREEN FOR THE DING-A-LING CAFÉ (continued from March 7, 2005).
  - (a) Received transmittal dated March 11, 2005, A Resolution of the City Council of the City of Hollister Approving a Lease Agreement with Mark Green for the Ding-A-Ling Café, from City Manager Quilter.
  - (b) Council Member Emerson moved to adopt Resolution No. 2005-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A LEASE AGREEMENT WITH MARK GREEN FOR THE DING-A-LING CAFÉ. Motion seconded by Council Member Scattini and carried by a unanimous vote.

**G. NEW BUSINESS:**

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None.

**H. MISCELLANEOUS:**

None.

**ADJOURNMENT:**

There being no further business to come before the City Council of the City of Hollister, the regular meeting of March 21, 2005, was adjourned at 8:44 p.m. by motion of Council Member Scattini. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Respectfully submitted,

Geri Johnson, CMC  
City Clerk